

**MINUTES OF THE BOARD OF SUPERVISORS
OF MADISON COUNTY, MISSISSIPPI**

REGULAR MEETING OF FEBRUARY 22, 2011
Recessed from regular meeting conducted on February 7, 2011

BE IT REMEMBERED that the regular meeting of the Board of Supervisors of Madison County, Mississippi was duly convened, held and conducted on February 7, 2011, in the Board Room on the first floor of the Madison County Office Complex, 125 West North Street, Canton, Mississippi, as follows, to-wit:

The President of the Board, Tim Johnson, presided and called the meeting to order. The following members were present that day:

Present:

Supervisor John Bell Crosby
Supervisor Tim Johnson
Supervisor D. I. Smith
Supervisor Karl M. Banks
Supervisor Paul Griffin
Chancery Clerk Arthur Johnston
Sheriff Toby Trowbridge

Absent:

Also in attendance:

Interim County Administrator & Zoning Administrator Brad Sellers
County Comptroller Quandice Green
Board Secretary and Deputy Chancery Clerk Cynthia Parker
Board Attorney Eric Hamer
County Road Manager Lawrence Morris
Chad Plumb on behalf of County Engineer Rudy Warnock
E911 Director Butch Hammack
Fire Coordinator Mack Pigg
County Purchase Clerk Hardy Crunk
Building & Grounds Director Barry Parker

Special Guests:

Circuit Clerk Lee Westbrook
Tax Collector Kay Pace
Election Commissioner Azzie Jackson
Election Commissioner Pat Truesdale
Election Commissioner Kakey Chaney
Hon. Gene McGee, Mayor of the City of Ridgeland
Hon. Leslie Childress, Mayor of the Town of Flora
Alderman Guy Bowering, City of Madison
Alderman Gerald Steen, City of Ridgeland
Constable Bill Weisenberger

The Board President announced that the members of the Board present constituted a quorum and declared the meeting duly convened. Supervisor Paul Griffin opened the meeting with a prayer and Chancery Clerk Arthur Johnston led the members and the audience in the Pledge of Allegiance to the Flag of the United States of America.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 1 of 18 (2/22/11)

In re: Public Hearing on Redistricting and Reapportionment of Supervisor District Lines

WHEREAS, on February 7, 2011, the Board determined that February 22, 2011 would be an appropriate date for a public hearing to receive public input and answer questions concerning the mandated redistricting of Madison County following the 2010 census report and did set said date for said hearing to begin at the hour of 9:00 am, and

WHEREAS, Mr. Bruce Reynolds of Central Mississippi Planning District appeared before the Board and explained to the Board and the public the process for redistricting following the 2010 census, and

WHEREAS, Mr. Reynolds also presented certain maps depicting current supervisor district boundaries and the current population within those boundaries and explained that population deviations from the ideal amount per district necessitated redistricting under federal law, and

WHEREAS, a true and correct copy of the maps presented by Mr. Reynolds are attached hereto as Exhibit A, spread hereupon, and incorporated herein by reference, and

WHEREAS, Ms. Julia Hodges and Ms. Nelwyn Madison each appeared before the Board and requested, *inter alia*, that the Board appoint all five Supervisors to the committee previously established for redistricting purposes in an effort to make certain all districts and the interest of all county citizens are considered, and

Following a lengthy discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) authorize Board Attorney Eric Hamer to file an appropriate lawsuit in the United States District Court for the Southern District of Mississippi seeking to enjoin the statutory qualifying deadline of March 1, 2011 for candidates for supervisor in order to give the Board sufficient time to draw supervisor district lines as required by federal law; (2) approve the retention of the law firm of Butler Snow O'Mara Stevens and Cannada to assist Mr. Hamer in such endeavor at said firm's usual and customary rates; and (3) direct that such lawsuit include, if necessary, justice court and constable lines. The vote on the matter being as follows:

| | |
|-----------------------------|-----|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

the matter carried unanimously and the Board Attorney was and is so authorized and directed and the law firm of Butler Snow O'Mara Cannada & Stevens was and is hereby so retained.

SO ORDERED this the 22nd day of February, 2011.

Thereafter, and following additional discussion on the following Resolution, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to (1) close the public hearing, (2) acknowledge receipt of the minutes of the Redistricting Committee appointed for redistricting purposes, a true and correct copy of which is attached hereto as Exhibit B, spread hereupon and incorporated herein by reference, and (3) adopt the following Resolution:

President's Initials: _____
Date Signed: _____

**RESOLUTION OF THE MADISON COUNTY BOARD OF SUPERVISORS
ESTABLISHING GUIDELINES AND CRITERIA FOR
PROPOSED BOUNDARY CHANGES TO SUPERVISORS' DISTRICTS
IN MADISON COUNTY**

WHEREAS, Madison County, Mississippi intends to insure the Constitutional right to equal franchise for all its citizens by assuring that the one-person, one-vote ideal is secured.

NOW, THEREFORE, BE IT RESOLVED that, in order to accomplish the goal stated herein, the following guidelines and criteria are hereby established to govern the redistricting of election boundaries in conformity with the results of the 2010 Decennial Census:

1. The difference in population between the least populous and the most populous districts shall not exceed Ten Percent (10%) for the ideal population for all districts, according to figures available from the most recent decennial census;
2. Such districting plan shall be established in a manner that insures the fair and effective representation of the racial minority group(s) in Madison County which are protected by the Voting Rights Act of 1965, as amended;
3. District lines shall keep intact communities with established ties of common interest and association, whether historical, racial, economic, ethnic, religious or other;
4. Each district shall be contiguous;
5. Each district shall be as compact as possible;
6. Each district shall follow natural geographical boundaries, where possible;
7. Incumbent supervisors shall be separated into individual districts to the extent practicable, but only if such action does not affect adherence to the primary criteria;
8. In order to minimize voter confusion, proposed redistricting plan(s) shall be established in a manner that ensures minimal necessary change to boundaries presently established and to minimize split precincts.

SO RESOLVED AND ORDERED, this the 22nd day of February, 2011.

The vote on the matter being as follows:

| | |
|-----------------------------|-----|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

the matter carried unanimously and the public hearing was and is hereby closed, the minutes of the Redistricting Committee were and are hereby acknowledged, and the aforementioned Resolution was and is hereby adopted.

SO ORDERED this the 22nd day of February, 2011.

President's Initials: _____
Date Signed: _____

For Searching Reference Only: Page 3 of 18 (2/22/11)

In re: Approval of Consent Agenda Items

WHEREAS, the Board President announced that he and County Administrator Brad Sellers had conferred in advance of the meeting as to certain matters denominated "Consent Items" which bear Item numbers (2) through (14) on the Agenda and that the same appeared to be routine, non-controversial matters on which all Supervisors were likely to agree, and

WHEREAS, the Board President did explain that any Supervisor could, in advance of the call of the question, request that any item be removed from the Consent Agenda, and

WHEREAS, Mr. D. I. Smith requested that Item (11) be removed from the Consent Agenda and addressed separately, and

Therefore, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to take the following actions on the Consent Agenda:

- 2. Approve Renewal of Residential Lease Contract on 16th Section Property.**
(True and correct copies of those certain Notices to Renew Residential Lease Contracts to Michael J. Zito, Jr. and Janet A. Parker, Lot 10, Eastbrooke Estates Subdivision; and David Selby Entrekin and wife, Jan Williamson Entrekin, Lot 57, Sherbourne Subdivision, Part 2, may be found in the Miscellaneous Appendix to these Minutes.)
- 3. Authorize Walk-a-Thon/Brain Injury Awareness Month.**
(A true and correct copy of that certain explanatory memorandum dated February 12, 2011 from Ms. Mary Bates requesting permission to hold a walk-a-thon off Sowell Road behind the Nissan plant on Saturday, April 16, 2011 or Saturday, April 30, 2011 for rain delay, may be found in the Miscellaneous Appendix to these Minutes.)
- 4. Acknowledge Clerk of the Board Report.**
(A true and correct copy of said Report is attached hereto as Exhibit C, spread hereupon and incorporated herein by reference.)
- 5. Authorize Advertising for Bids for One or More 140KW and 350KW Portable Generators - Emergency Management.**
(A true and correct copy of that certain memorandum dated February 11, 2011 from Purchase Clerk Hardy Crunk requesting permission to advertise for bids for one or more 140KW and 350KW portable generators for use by the Emergency Management Department is attached hereto as Exhibit D, spread hereupon and incorporated herein by reference.)
- 6. Approve Advantage E-cycling and Care Environmental Corp. for City of Ridgeland's Household Hazardous Waste Day.**
(A true and correct copy of that certain explanatory memorandum dated February 9, 2011 from Purchase Clerk Hardy Crunk requesting approval of the contract's of Advantage E-cycling and Care Environmental Corp. for City of Ridgeland's Household Hazardous Waste Day, are attached hereto as Exhibit E and Exhibit F, spread hereupon and incorporated herein by reference. The Board President was and is hereby authorized to execute said contracts.)
- 7. Approve Non-Exclusive Contract - Dickerson & Bowen.**
(A true and correct copy of that certain explanatory memorandum dated February 9, 2011 from Purchase Clerk Hardy Crunk along with the Non-Exclusive Contract from Dickerson & Bowen to DBST road work on an as needed basis for hauling of related crushed limestone for the period of March 1, 2011 through December 31, 2011, is attached hereto as Exhibit G, spread hereupon and incorporated herein by reference.)

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 4 of 18 (2/22/11)

8. **Approve Monthly Credit Card Report January 10 - February 7, 2011 - General County.**
(A true and correct copy of that certain memorandum dated February 11, 2011 from County Purchase Clerk Hardy Crunk is attached hereto as Exhibit H, spread hereupon and incorporated herein by reference.)
9. **Approve Site Plan for Chris Crowson Storage Warehouse - Hazleton Cove.**
(A true and correct copy of said site plan may be found in the Miscellaneous Appendix to these Minutes.)
10. **Acknowledge Preliminary Plat for Ashbrooke Part Five-A**
(A true and correct copy of said plat may be found in the Miscellaneous Appendix to these Minutes.)
12. **Approve Utility Permits.** The following permits allowing use and occupancy for the construction or adjustment of a utility within certain roads or highway rights of way were and are hereby approved, and the applications for the same are attached hereto as Collective Exhibit I, spread hereupon, and incorporated herein by reference:
 - (1) AT&T - seeking to place approximately 15,000' of fiber cable along Catlett Road and Stribling Road.
 - (2) City of Ridgeland - seeking to install 12-inch water distribution lines along Greens Crossing Road.
 - (3) City of Ridgeland - seeking to install 12-inch water distribution lines along Casmir Drive.
 - (4) City of Ridgeland - seeking to install 12-inch water distribution lines along Ledora Lane.
 - (5) City of Ridgeland - seeking to install 12-inch water distribution lines along Lubertha Road.
 - (6) City of Ridgeland - seeking to install 12-inch water distribution lines along Alice Lane.
 - (7) City of Ridgeland - seeking to install 8-inch water distribution lines along Walter Payton Lane.
 - (8) City of Ridgeland - seeking to install 12-inch water distribution lines along Rouser Road.
13. **Acknowledge Correspondence from Rankin County Board of Supervisors - Solid Waste Plan.**
(A true and correct copy of that certain memorandum dated February 8, 2011 from Hon. Wood Brown, President of the Rankin County Board of Supervisors notifying the county of its solid waste plant is attached hereto as Exhibit J, spread hereupon and incorporated herein by reference.)
14. **Authorize Advertising for Bids for Camera System - Madison County Detention Center.**
(A true and correct copy of that certain memorandum dated February 11, 2011 from Purchase Clerk Hardy Crunk requesting permission to advertise for bids for a new camera system at the Madison County Detention Center is attached hereto as Exhibit K, spread hereupon and incorporated herein by reference.)

The vote on the matter being as follows:

| | |
|-----------------------------|-----|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 5 of 18 (2/22/11)

the matter carried unanimously, and each item was and is hereby approved, adopted and authorized as described herein above.

SO ORDERED this the 22nd day of February, 2011.

In re: Consideration of Law Enforcement Liability Insurance for the Sheriff's Department

WHEREAS, Mr. Woods Cavett of Regions Insurance, Inc. appeared before the Board and reported that the county's law enforcement liability coverage for the Sheriff's Department was up for renewal, and

WHEREAS, Sheriff Trowbridge requested the law enforcement liability coverage be renewed with Columbia Casualty Company through Regions Insurance, Inc., agent, the same to be a "claims made" policy with at \$25,000 deductible and coverages of \$1 million per occurrence and \$2 million aggregate, and

WHEREAS, documentation reflecting the details of such coverage and the proposed policy may be found in the Miscellaneous Appendix to these Minutes, and

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to renew said law enforcement liability coverage for the Madison County Sheriff's Department with Columbia Casualty Company through Regions Insurance, Inc., and to authorize and approve the payment of a policy premium in an amount of up to \$101,710.00 upon receipt of an invoice for the same. The vote on the matter being as follows:

| | |
|-----------------------------|---|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Not Present and Not Voting ¹ |
| Supervisor Paul Griffin | Aye |

the matter carried by unanimous vote of those present and said coverage was and is hereby placed and the Chancery Clerk was and is hereby authorized to pay warrant accordingly.

SO ORDERED this the 22nd day of February, 2011.

In re: Request to Appoint Committee to Inspect Private Road off Way Road in District 5

WHEREAS, Mr. James Earl Owens appeared before the Board and presented a petition received from land owners along a private road off Way Road in District 5, a true and correct copy of which is attached hereto as Exhibit L, spread hereupon and incorporated herein by reference, and requested the Board accept private road as a public road, and

WHEREAS, E911 Director Butch Hammack reported that he had approved the road as a private road in the name of Gowdy Rd,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to appoint a committee comprised of Mr. Tim Johnson and Mr. Karl M. Banks and County Engineer Rudy Warnock to inspect said road and report to the Board at their earliest opportunity their assessment of its suitability to become a public road. The motion also directed the Chancery

¹Prior to the call of the question, Mr. Banks excused himself from the meeting and returned shortly thereafter.

President's Initials: _____
Date Signed: _____

For Searching Reference Only: Page 6 of 18 (2/22/11)

Clerk to ascertain ownership of property along said road. The vote on the matter being as follows:

| | |
|-----------------------------|------------------|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye ² |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

the matter carried unanimously and said committee was and is hereby appointed.

SO ORDERED this the 22nd day of February, 2011.

In re: Awarding of Bid to Gulf South Construction for the ARRA Project to Retrofit Lighting and Replace the HVAC and the Roof at the Madison County Detention Center

WHEREAS, given the brief absence of Board President Tim Johnson, Board Vice President John Bell Crosby presided over the deliberation and discussion of this mater, and

WHEREAS, County Administrator Brad Sellers appeared before the Board and reported that the standing committee of the Board appointed for such purposes had received and tabulated bids for the ARRA Project to Retrofit Lighting and Replace the HVAC and the Roof at the Madison County Detention Center, and

WHEREAS, in his and Engineer Scott Woods estimation, the lowest and best bidder for said project was Gulf South Construction who submitted a bid in the amount of \$603,000.00, a true and correct copy of which bid may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Sellers reported that the cost of the project was estimated to be approximately \$80,000.00 more than the original estimate due to certain guidelines outlined by the U.S. Department of Energy, and

WHEREAS, a true and correct copy of that certain explanatory memorandum outlining these guidelines is attached hereto as Exhibit M, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Sellers recommended that the Board award the contract for said project to Gulf South Construction in accordance with its bid,

Following a discussion, in which Mr. Tim Johnson did not participate and for which he was not present in the Board room, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to (1) accept the bid of Gulf South Construction as the lowest and best bid received for said project and (2) award the contract for such work to said firm. The vote on the matter being as follows:

| | |
|-----------------------------|----------------------------|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Not Present and Not Voting |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

²After casting his vote on this matter, Mr. Tim Johnson did fully and completely recuse himself from all discussions, deliberations and debate of the next succeeding matter, excused himself from the meeting, and physically departed the meeting room.

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 7 of 18 (2/22/11)

the matter carried by a unanimous vote of the present and said bid was and is hereby accepted and said contract was and is hereby awarded.

SO ORDERED this the 22nd day of February, 2011.

In re: Discussion of Red Oak Subdivision Drainage Issues

WHEREAS, Chad Plumb on behalf of County Engineer Rudy Warnock appeared before the Board and presented photographs showing the drainage issues in Red Oak Subdivision, and

WHEREAS, Mr. Plumb reported that a drainage pipe had detached approximately twenty (20) feet from the rear of yard causing the drainage problems,

Following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to authorize County Engineer Rudy Warnock and Board Attorney Eric Hamer to prepare necessary documentation to acquire right of way to access the property and to authorize the Road Department to perform the work to alleviate the drainage issues in Red Oak Subdivision. The vote on the matter being as follows:

| | |
|-----------------------------|-----|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

the matter carried unanimously and the County Engineer, Board Attorney, and the Road Department were and are hereby authorized.

SO ORDERED this the 22nd day of February, 2011.

In re: Awarding of Bid to Dickerson & Bowen for the Cox Ferry Road Overlay Project/State Aid No. SAP-45(5)M

WHEREAS, Mr. Dan Tolar, State Aid District Engineer and Mr. Mark Beyea of Neel-Schaffer appeared before the Board and reported that bids had been received and opened for the reconstruction of Cox Ferry Road being State Aid Project No. SAP-45(5)M, and

WHEREAS, in their estimation, the lowest and best bidder for said project was Dickerson & Bowen who submitted a bid in the total amount of \$1,016,344.95, and

WHEREAS, Mr. Tolar recommended the Board award the contract for the construction of said project to Dickerson & Bowen in accordance with its bid, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to (1) accept the bid of Dickerson & Bowen as the lowest and best bid received for the reconstruction of Cox Ferry Road being State Aid No. SAP-45(5)M and (2) award the contract for such work to said firm. The vote on the matter being as follows:

| | |
|-----------------------------|-----|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 8 of 18 (2/22/11)

the matter carried unanimously and said bid was and is hereby accepted and the contract was and is hereby awarded.

SO ORDERED this the 22nd day of February, 2011.

***In re: Authorize Advertising for Bids for the
Green Oak Lane Overlay Project/State Aid No. SAP-45(4)M***

WHEREAS, Mr. Chad Plumb on behalf of County Engineer Rudy Warnock appeared before the Board and requested permission to advertise for bids in *The Madison County Herald and The Clarion Ledger* for the overlaying and striping of North Old Canton Road, also known as State Aid Project No. SAP045(4)M, and

Following discussion, Mr. John Bell Crosby did offer and Mr. Karl M. Banks did second a motion to authorize Purchase Clerk Hardy Crunk and County Engineer Rudy Warnock to advertise for bids for the construction of Green Oak Lane Overlay Project, State Aid No. SAP-45(4)M. The vote on the matter being as follows:

| | |
|-----------------------------|-----|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

the matter carried unanimously and the Purchase Clerk and County Engineer were and are hereby authorized.

SO ORDERED this the 22nd day of February, 2011.

***In re: Presentation of Plans, Specifications and
Estimate Assembly - Reunion Parkway Phase 3***

WHEREAS, Mr. Chad Plumb on behalf of County Engineer Rudy Warnock appeared before the Board and presented plans, specifications and estimate assembly on Reunion Parkway, Phase 3, a true and correct copy of which may be found in the Miscellaneous Appendix to these Minutes, and

WHEREAS, Mr. Plumb also presented that certain spreadsheet revising the total estimate of construction cost as of January, 2011 on Reunion Parkway, Phase 3 in the final total amount of \$13,117,305.91, and

WHEREAS, a true and correct copy of said revised estimate is attached hereto as Exhibit N, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Plumb then presented that certain document entitled "Contract Documents and Specifications for Reunion Parkway Phase III," and recommended the Board approve same, a true and correct copy of which, due to its bulk, may be found in the Miscellaneous Appendix to these Minutes,

Following discussion, Mr. Karl M. Banks did offer and Mr. John Bell Crosby did second a motion to (1) acknowledge receipt of the plans, specifications and estimate assembly on Reunion Parkway, Phase 3, (2) approve the revised final total estimate of construction cost as of January, 2011 on Reunion Parkway, Phase 3 as presented in Exhibit N, and (3) approve that certain document entitled "Contract Documents and Specifications for Reunion Parkway Phase III." The vote on the matter being as follows:

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 9 of 18 (2/22/11)

| | |
|-----------------------------|-----|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

the matter carried unanimously and said plans, specifications and estimate assembly on Reunion Parkway, Phase 3 were and are hereby acknowledged, said revised total final estimate of construction costs as of January, 2011 on Reunion Parkway, Phase 3 was and is hereby approved, and said "Contract Documents and Specifications for Reunion Parkway Phase III" were and are hereby approved.

SO ORDERED this the 22nd day of February, 2011.

In re: Approval of Final Plat of Ashbrooke Subdivision, Part Four-A2

WHEREAS, Mr. Chad Plumb on behalf of County Engineer Rudy Warnock appeared before the Board and presented the final plat of Ashbrooke Subdivision, Part Four A-2 and requested the Board to approve same, indicating and representing that the same met with all appropriate and applicable county requirements, and

WHEREAS, Mr. Plumb did also present a Letter of Credit and advised the Board that the street listed on said plat is to be accepted as a public road, and added to the County Road Register to the extent such street is depicted on said plat, to-wit:

Belle Cove

Following discussion of this matter, Mr. D. I. Smith did offer and Mr. Karl M. Banks did second a motion to **(1)** approve said final plat, (a) subject to the requirement that approval of the Madison County Board of Supervisors would be required on any changes to said plat and/or the accompanying covenants until such time as a majority of votes necessary to change the covenants are controlled by residents of the subdivision, (b) subject to zoning ordinances that the Board finds will be applicable upon adoption thereof in the future, and **(2)** accept the above listed road as a public road, and **(3)** direct the Clerk to accept and retain the aforesaid Letter of Credit. The vote on the matter being as follows:

| | |
|-----------------------------|-----|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

the matter carried unanimously and the final plat of Ashbrooke Subdivision, Part Four A-2 was and is hereby approved and said road was and is accepted as a public street.

SO ORDERED this the 22nd day of February, 2011.

In re: Approval of Budget Amendments

WHEREAS, County Comptroller Quandice Green appeared before the Board and requested the Board's consideration of certain amendments to the current year budget of the county as set forth in that certain document entitled "Madison County Budget Amendments February 22, 2011," a true and correct copy of which is attached hereto as Exhibit O, spread hereupon and incorporated herein by reference,

President's Initials: _____
Date Signed: _____

Following discussion, Mr. Karl M. Banks did offer and Mr. Paul Griffin did second a motion to approve said budget amendments. The vote on the matter being as follows:

| | |
|-----------------------------|-----|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

the matter carried unanimously and said budget amendments were and are hereby approved and adopted.

SO ORDERED this the 22nd day of February, 2011.

In re: Approval of Claims Docket for February 22, 2011

WHEREAS, the Board reviewed the claims docket for February 22, 2011; and

WHEREAS, the Comptroller did assure the Board of Supervisors that all claims had been properly documented and where necessary, purchase orders were obtained in advance as required by law; and

WHEREAS, the following is a summary of all claims and funds from which said claims are to be paid:

| Fund | Claim Nos. | No. of Claims | Amount |
|-----------------|--------------|---------------|------------|
| 001 | 1715 to 1826 | 109 | 241,019.81 |
| 012 | 86 to 92 | 7 | 3,231.11 |
| 029 | 2 to 3 | 2 | 5,006.98 |
| 097 | 128 to 134 | 7 | 1,572.80 |
| 105 | 89 to 93 | 5 | 24,550.68 |
| 108 | 4 to 4 | 1 | 2,403.74 |
| 114 | 14 to 15 | 2 | 10,000.00 |
| 115 | 63 to 65 | 3 | 409.22 |
| 116 | 24 to 25 | 2 | 285.74 |
| 120 | 39 to 42 | 4 | 502.98 |
| 121 | 18 to 18 | 1 | 143.38 |
| 150 | 367 to 378 | 12 | 49,844.44 |
| 160 | 53 to 55 | 3 | 651.97 |
| 190 | 71 to 71 | 1 | 240.06 |
| 302 | 67 to 70 | 4 | 28,047.65 |
| 304 | 9 to 10 | 2 | 2,057.50 |
| 401 | 13 to 14 | 2 | 9,302.42 |
| TOTAL ALL FUNDS | | 167 | 379,270.48 |

HELD CLAIMS

| Fund | Claim No. | Payee | Amount |
|------|-----------|---------------------|-------------|
| 302 | 70 | Burns Cooley Dennis | \$ 8,962.65 |

Thereafter and following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve the claims docket as presented, less and except the above noted held claim. Said motion directed that invoice numbers should be attached to each claim on the claims docket and further directed the Chancery Clerk to publish the Summary of Claims as required by law and to authorize the Board President to sign and approve the Claims Docket, a copy of which may be found in the Miscellaneous Appendix to these Minutes together with a separate Resolution approving payment of said claims, which Resolution is attached hereto as Exhibit P, spread hereupon, and incorporated herein by reference. The vote on the matter being as follows:

President's Initials: _____
Date Signed: _____

| | |
|-----------------------------|------------------|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye ³ |
| Supervisor Paul Griffin | Aye |

the matter carried unanimously and said Claims Docket was and is hereby approved, and the Chancery Clerk was and is instructed to issue pay warrants accordingly.

SO ORDERED this the 22nd day of February, 2011.

Thereafter and following discussion in which Mr. Karl M. Banks did not participate and for which he was not present in the Board room, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to pay the above listed held claim of Burns Cooley Dennis in the amount of 8,962.65. The vote on the matter being as follows:

| | |
|-----------------------------|----------------------------|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | No |
| Supervisor Karl M. Banks | Not Present and Not Voting |
| Supervisor Paul Griffin | Aye |

the matter carried by a majority vote (3-1) of those present and said Held Claim was and is hereby approved, and the Chancery Clerk was and is instructed to issue a pay warrant accordingly.

SO ORDERED this the 22nd day of February, 2011.

In re: Appointment of Commissioners to the Valley View Fire Protection District Board of Commissioners

WHEREAS, County Fire Coordinator Mack Pigg appeared before the Board and presented a list of five persons to serve as Commissioners of the Valley View Fire Protection District, a true and correct copy of which is attached hereto as Exhibit Q, spread hereupon and incorporated herein by reference, and

WHEREAS, Mr. Pigg reported that each member would serve five year staggered terms of office as follows:

Alonzo McGruder - five year term, expiring February 2016
 Tecara Goines - four year term, expiring February 2015
 Dorothy Sims-Draine - three year term, expiring February 2014
 Marcus Goodloe - two year term, expiring February 2013
 Willie Cline - one year term, expiring February 2012

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to approve the appointments as listed. The vote on the matter being as follows:

| | |
|-----------------------------|----------------------------|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Not Present and Not Voting |
| Supervisor Paul Griffin | Aye |

³After casting his vote on this matter, Mr. Karl M. Banks did fully and completely recuse himself from all discussions, deliberations and debate of the next succeeding matter, excused himself from the meeting, and physically departed the meeting room.

President's Initials: _____
Date Signed: _____

the matter carried by the unanimous vote of those present and each member was and is hereby approved to serve on the Board of Commissioners of the Valley View Fire Protection District.

SO ORDERED this the 22nd day of February, 2011.

In re: Adoption of Amended Resolution of Support to Allow Gates be Erected for the Purpose of Enclosing Neighborhoods, Provided the Gates Open Automatically Upon Approach by Any Motor Vehicle

Following discussion, Mr. D. I. Smith did offer and Mr. John Bell Crosby did second a motion to adopt the following Resolution, to-wit:

AMENDED RESOLUTION

WHEREAS, the Madison County Board of Supervisors desires the passage of legislation to allow gates be erected for the purpose of enclosing neighborhoods, provided the gates open automatically upon approach by any motor vehicle, and

WHEREAS, in particular, such legislation should provide that a gate placed on a county road for the purpose of enclosing a neighborhood shall not be considered an obstruction to the public road if the gate opens automatically upon approach by any motor vehicle without the use of a key, code or any other device, and

WHEREAS, such legislation was suggested to amend Section 65-7-7, Mississippi Code of 1972, and be introduced as local and private legislation if necessary, and

WHEREAS, the Board finds, determines and declares a public need for said legislation for the reasons set forth herein above,

NOW THEREFORE BE IT RESOLVED BY THE MADISON COUNTY BOARD OF SUPERVISORS THAT:

1. The Mississippi House of Representatives and the Mississippi Senate should adopt appropriate local and private legislation providing that:
 - (a) a gate placed on a county road in Madison County for the purpose of enclosing a neighborhood shall not be considered an obstruction to the public road if the gate opens automatically upon approach by any motor vehicle without the use of a key, code or any other device, and
 - (b) such legislation amend Section 65-7-7, Mississippi Code of 1972, and
2. The Governor should sign such legislation into law, and
3. The county's lobbyist, Steve Seale, shall forward this Resolution to the members of the Madison County legislative delegation and the chairmen of the appropriate committees of the Mississippi House of Representatives and the Mississippi Senate.

The vote on the matter being as follows:

| | |
|-----------------------------|----------------------------|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Not Present and Not Voting |
| Supervisor Paul Griffin | Not Present and Not Voting |

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 13 of 18 (2/22/11)

the matter carried by the unanimous vote of those present and said Amended Resolution was and is hereby adopted.

SO ORDERED this the 22nd day of February, 2011.

***In re: Authorization of Warnock & Associates
to Prepare Documents for Washington D.C. Delegation***

Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to authorize Warnock & Associates to prepare documents and information to submit to Madison County Congressional Delegation in Washington D.C. upon request of the delegation. The vote on the matter being as follows:

| | |
|-----------------------------|----------------------------|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Not Present and Not Voting |
| Supervisor Paul Griffin | Aye |

the matter carried by the unanimous vote of those present and Warnock & Associates was and is hereby authorized.

SO ORDERED this the 22nd day of February, 2011.

***In re: Request for Travel and Related Expenses -
Tax Collector IAAO School***

Mr. John Bell Crosby did offer and Mr. D. I. Smith did second a motion to approve travel expenses, registration, and material fees for Tax Collector Kay Pace to attend the IAAO School for continuing education in Pearl, Mississippi. The vote on the matter being as follows:

| | |
|-----------------------------|----------------------------|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Not Present and Not Voting |
| Supervisor Paul Griffin | Aye |

the matter carried by the unanimous vote of those present and travel and related expenses for Ms. Pace were and are hereby approved.

SO ORDERED this the 22nd day of February, 2011.

***In re: Acknowledge Receipt of Funds and
Authorize Board President Execute Invoice***

WHEREAS, Sheriff Toby Trowbridge appeared before the Board and presented checks received from various agencies for housing of prisoners and other services as follows:

| <u>Entity</u> | <u>Amount</u> |
|----------------------|---------------|
| City of Ridgeland | \$ 2,286.50 |
| City of Canton | \$ 7,760.95 |
| City of Madison | \$ 1,705.64 |
| Town of Flora | \$ 384.00 |
| State of Mississippi | \$ 7,580.00 |
| Valley Foods | \$ 1,914.07 |

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 14 of 18 (2/22/11)

| | |
|-----------------------------|-------------|
| Donation to State Drug Fund | \$ 1,000.00 |
| Donation/Phillips Lumber | \$ 125.28 |
| Donation/Home Town Hardware | \$ 231.20 |

WHEREAS, Sheriff Trowbridge did further request that the Board authorize the Board President to execute an invoice to Mississippi Department of Corrections for the month of January, 2011 in the amount of \$8,750.88,

Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to acknowledge receipt of said checks and acknowledge receipt of the foregoing donations from Wal Mart. The vote on the matter being as follows:

| | |
|-----------------------------|----------------------------|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Not Present and Not Voting |
| Supervisor Paul Griffin | Aye |

the matter carried by the unanimous vote of those present and said checks were and are hereby acknowledged, and the Board President was and is hereby authorized.

SO ORDERED this the 22nd day of February, 2011.

In re: Entering into “Closed Session” to Determine Whether or not the Board Should Declare an Executive Session

WHEREAS, the Board of Supervisors, after beginning the meeting in open session, determined that it was necessary to enter into closed session for a brief discussion to ascertain whether an Executive Session was needed as to discuss existing and potential litigation and right of way acquisition,

Following discussion and pursuant to the terms of Miss. Code Ann. § 25-41-7, as amended, Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to make a closed determination upon the issue of whether or not to declare an Executive Session for the purpose of discussing potential litigation and right of way acquisition, with the following persons deemed necessary for Board discussions, deliberations, and recording of such Executive Session, to wit: members of the Board, Chancery Clerk Arthur Johnston, County Administrator Brad Sellers, Board Secretary and Deputy Chancery Clerk Cynthia Parker, Board Attorney Eric Hamer, County Comptroller and Deputy Chancery Clerk Quandice Green, and Chad Plumb on behalf of County Engineer Rudy Warnock. The vote on the matter being as follows:

| | |
|-----------------------------|---|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Not Present and Not Voting ⁴ |
| Supervisor Paul Griffin | Aye |

the matter carried by the unanimous vote of those present and the Board took up the matter of entering into Executive Session.

SO ORDERED this the 22nd day of February, 2011.

⁴Following the call of the question on this matter, Mr. Banks

President’s Initials: _____
Date Signed: _____

In re: Entering into Executive Session

WHEREAS, the Board Attorney advised the Board that, consequently, discussion thereof was properly the subject of executive session,

Following discussion, Mr. John Bell Crosby did offer and Mr. Paul Griffin did second a motion to enter into Executive Session to discuss potential litigation and right of way acquisition matters. The vote on the matter being as follows:

| | |
|-----------------------------|-----|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

the matter carried unanimously and President Johnson declared the Board of Supervisors to be in Executive Session for the consideration of such matters and the Chancery Clerk announced to the public the purpose for the Executive Session.

SO ORDERED this the 22nd day of February, 2011.

During Executive Session and following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion not to change the current route of Calhoun Station Parkway, Phase 3 due to the increased cost of doing so. The vote on the matter being as follows:

| | |
|-----------------------------|-----|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | No |
| Supervisor Paul Griffin | Aye |

the matter carried by a unanimous vote (4-1) of the Board and said route was and is hereby unchanged.

SO ORDERED this the 22nd day of February, 2011.

At the recommendation of Board Attorney Eric Hamer and in an effort to avoid litigation and reduce legal expenses, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to re-establish just compensation in an amount certain to Mr. L. T. Myers for the acquisition of necessary right of way for the Moss Road Bridge Project. The vote on the matter being as follows:

| | |
|-----------------------------|-----|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

the matter carried unanimously and just compensation was and is hereby re-established in a sum certain and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 22nd day of February, 2011.

Thereafter, and at the recommendation of Board Attorney Eric Hamer and in an effort to avoid litigation and reduce legal expenses, Mr. Karl M. Banks did offer and Mr. D. I. Smith did second a motion to authorize just compensation in an amount certain to Mr. Troy Brown, Sr. on parcel no. 3 for necessary right of way for the Gus Green Road Project. The vote on the matter being as follows:

President's Initials: _____
Date Signed: _____

For Searching Reference Only: Page 16 of 18 (2/22/11)

| | |
|-----------------------------|-----|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

the matter carried unanimously and just compensation was and is hereby set and the Chancery Clerk was and is hereby authorized to issue a pay warrant accordingly.

SO ORDERED this the 22nd day of February, 2011.

Mr. Paul Griffin did offer and Mr. D. I. Smith did second a motion to (1) authorize the Board Attorney to prepare a five year lease with a renewal clause between Madison County and Mr. John Harreld allowing the county to use a certain five (5) acre tract of land located adjacent to the Road Department. and (2) authorize the County Engineer to perform a survey thereof. The vote on the matter being as follows:

| | |
|-----------------------------|-----|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

the matter carried unanimously and the Board Attorney and the County Engineer were and are hereby authorized.

SO ORDERED this the 22nd day of February, 2011.

Following discussion, Mr. Paul Griffin did offer and Mr. Karl M. Banks did second a motion to authorize County Administrator Brad Sellers to make an offer in a sum certain for the purchase of the "Old" Post Office subject to financing being in place for such purchase. The vote on the matter being as follows:

| | |
|-----------------------------|-----|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | No |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

the matter carried by a majority vote (4-1) of the Board and the County Administrator was and is hereby so authorized.

SO ORDERED this the 22nd day of February, 2011.

Thereafter, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to adjourn the Executive Session and direct the Board Attorney to announce to the public the action taken therein. The vote on the matter being as follows:

| | |
|-----------------------------|-----|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

the matter carried unanimously and the President declared Executive Session declared adjourned, and the Board Attorney did announce to the public the action taken therein.

SO ORDERED this the 22nd day of February, 2011.

President's Initials: _____
Date Signed: _____

In re: Discussion of External Printers on Voting Machines

WHEREAS, Election Commissioner Kakey Chaney appeared before the Board and requested the Board authorize the removal of the external printers on the voting machines, and

WHEREAS, Ms. Chaney reported that the precincts have problems on election day with the printers jamming, the paper tearing and furthermore unable to read the print, and

WHEREAS Ms. Chaney did inform the Board the printers were not part of the voting machine purchase but they were an extra piece of equipment that was purchased separately,

Following discussion, Mr. Paul Griffin did offer and Mr. John Bell Crosby did second a motion to authorize the removal of the external printers from the voting machines on election day in an effort to improve the process of the elections. The vote on the matter being as follows:

| | |
|-----------------------------|-----|
| Supervisor John Bell Crosby | Aye |
| Supervisor Tim Johnson | Aye |
| Supervisor D. I. Smith | Aye |
| Supervisor Karl M. Banks | Aye |
| Supervisor Paul Griffin | Aye |

the matter carried unanimously and said request was and is hereby approved.

SO ORDERED this the 22nd day of February, 2011.

THERE BEING NO FURTHER BUSINESS to come before the Board of Supervisors of Madison County, Mississippi, upon motion duly made by Supervisor John Bell Crosby and seconded by Supervisor Paul Griffin and approved by the unanimous vote of those present, the February, 2011 term of the Madison County Board of Supervisors was adjourned.

Tim Johnson, President
Madison County Board of Supervisors

Date signed: _____

ATTEST:

Arthur Johnston, Chancery Clerk

President's Initials: _____

Date Signed: _____

For Searching Reference Only: Page 18 of 18 (2/22/11)